



STATE OF DELAWARE
DEPARTMENT OF NATURAL RESOURCES
& ENVIRONMENTAL CONTROL
DIVISION OF AIR QUALITY
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October 18, 2018

Andrew Wheeler, Acting Administrator
U. S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

RE: EPA-HQ-OAR-2018-0295

Dear Acting Administrator Wheeler:

Delaware's Department of Natural Resources and Environmental Control hosted a public meeting on October 11, 2018 to provide an opportunity for Delawareans to comment on the U.S. Environmental Protection Agency's proposal to replace the Clean Power Plan with the Affordable Clean Energy rule. The DNREC-sponsored listening session began at 4 p.m. at the Chase Center on the Riverfront, 815 Justison Street, Wilmington, DE 1980.

The listening session was well attended by the public with over 25 in attendance. Comments were heard from members of the public as well as from Governor Carney, Secretary Garvin, and Senator Carper. We are submitting a transcript of that testimony please see ATTACHMENT I. EPA should not take action to replace the Clean Power Plan without first hearing from our citizens and considering their comments. Delaware stepped up to host this public meeting because EPA is not offering a reasonable venue for citizens' voices to be heard.

Delaware respectfully requests that you enter these into the EPA's hearing docket for this proceeding and give them the same weight and consideration as comments delivered had EPA held this hearing.

Sincerely,

David F. Fees, P.E.
Acting Director

Delaware's good nature depends on you !

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ATTACHMENT 1

Delaware Department of
Natural Resources &
Environmental Control



Delaware Public Meeting – October 11, 2018

Testimony of Commenters

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In The Matter Of:

*Department of Natural Resources & Environmental Control
Clean Power Plan*

*Hearing
October 11, 2018*

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Min-U-Script® with Word Index

STATE OF DELAWARE
DEPARTMENT OF NATURAL RESOURCES
AND ENVIRONMENTAL CONTROL

PUBLIC COMMENT SESSION ON)
U.S. ENVIRONMENTAL PROTECTION)
AGENCY'S TO REPLACE THE CLEAN)
POWER PLAN WITH THE AFFORDABLE)
CLEAN ENERGY (ACE) RULE)

Chase Riverfront
Harlan & Hollingsworth Room
815 Justison Street
Wilmington, Delaware

Thursday, October 11, 2018
4:00 p.m.

BEFORE:

SHAWN M. GARVIN, SECRETARY
DEPARTMENT OF NATURAL RESOURCES
AND ENVIRONMENTAL CONTROL

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1 **SECRETARY GARVIN:** Good
2 afternoon, everyone. I want to thank you
3 all for being here today. We're holding
4 this because we want to give people of
5 Delaware and the surrounding areas
6 opportunity to comment on EPA's proposed
7 replacement of the Clean Power Plan. The
8 only opportunity for a public venue was
9 October 1st, last week in Chicago. We
10 thought that it was important to make sure
11 that Delawareans had an opportunity to
12 express their opinions and their thoughts of
13 EPA's repeal of the Clean Power Plan. We're
14 hosting it today to give all of you that
15 opportunity. And all comments that are made
16 today we will compile and submit to the EPA
17 before the end of their public comment
18 period.

19 I want to give you a little
20 brief history before I kind of walk through
21 the ground rules for today.

22 In December of 2009, the U.S.
23 EPA determined that science shows that
24 carbon dioxide threatens the public health



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1 and welfare and is a pollutant that must be
2 regulated.

3 U.S. courts upheld EPA's 2007
4 finding and recognized EPA's authority to
5 issue national rules limiting carbon
6 pollution from stationary sources like power
7 plants. The EPA set the first ever carbon
8 pollution limits for the nation's existing
9 power plants in August of 2015. EPA's rule
10 is called the Clean Power Plan and was
11 issued under the Clean Air Act. EPA adopted
12 this rule after hundreds of meetings with
13 various stakeholders, holding numerous
14 listening sessions and public hearings and
15 considering more than a million written
16 comments.

17 The Clean Power Plan directed
18 states to put together plans to limit carbon
19 pollution from power plants. This approach
20 provided flexibility to the states to
21 determine the best way to accomplish this
22 goal within their own boundaries. State
23 plans were due September 2018. In good
24 faith, Delaware began working on its plan by



1 holding a series of listening sessions and
2 workshops in 2015 and 2016.

3 This past January, EPA published
4 notice in the Federal Register that they
5 would repeal the Clean Power Plan and sought
6 comments on alternate methods. On
7 August 31st, EPA published a proposed
8 replacement and coined it the "Affordable
9 Clean Energy Rule."

10 Because the EPA was unwilling to
11 provide a reasonable venue for Delawareans
12 and others along the East Coast to voice
13 their opinions on the proposed replacement,
14 DNREC has chosen to conduct a listening
15 session enabling this opportunity.

16 Just as they did for the Clean
17 Power Plan, EPA has held a single public
18 hearing, this time in Chicago.

19 DNREC believes the future of how
20 we address greenhouse gas emissions are
21 important and that decisions should not be
22 rushed without fully considering public
23 input. That is why we are here today.

24 Just give you a little



1 background on what we're going to do.
2 Public comments will be accepted today, and
3 we'll stay until everyone who wishes to
4 speak has had an opportunity.

5 A court reporter is here to
6 capture each commenter's remarks. So if you
7 could make sure you speak slowly and
8 clearly. And if you have written comments
9 if you could share them with us, that would
10 be very helpful.

11 People who wish to speak who do
12 not preregister can speak, can sign up back
13 there at the front door. We will call the
14 names of the people who have preregistered
15 to step up to the mic first, and then we
16 will move to those who signed up today to
17 speak.

18 We ask that commenters take no
19 more than five minutes to make their
20 remarks. A timekeeper will signal each
21 speaker when their time has run out.
22 Speakers are asked to be respectful of time
23 limits and wrap up quickly when the
24 timekeeper indicates time is up.



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1 Comments provided at this public
2 meeting will be submitted by us to the EPA's
3 federal docket in the form of a transcript
4 on behalf of all who speak on the proposed
5 repeal. Speaking at today's event does not
6 prevent or prohibit you in any way from
7 submitting separate comments to the EPA.
8 Instructions for commenting can be picked up
9 back at the signup table.

10 What I'm going to do now is, I
11 have DNREC's and the State of Delaware's
12 official remarks which the governor has
13 penned, and we'll be providing as part of
14 the transcript we provide to EPA. And it
15 reads as follows:

16 "Dear Acting Administrator
17 Wheeler: I am writing to submit Delaware's
18 official comments on EPA's proposed
19 replacement of the Clean Power Plan with the
20 Affordable Clean Energy Rule or ACE.

21 "Our state environmental
22 regulators are charged with protecting
23 Delawareans' health and our environment.
24 They do this in collaboration with the



1 federal government.

2 "About a third of the greenhouse
3 gas emission in the U.S. result from burning
4 fossil fuels to generate electricity for our
5 homes and for our businesses. Greenhouse
6 gases are air pollutants that endanger the
7 health of everyone on the planet. The U.S.
8 emits more carbon dioxide per person than
9 any other nation in the world. These
10 pollutants are directly responsible for
11 global climate change, which is increasing
12 global temperatures, melting glaciers,
13 increasing sea levels, acidifying our oceans
14 and contributing to billions of dollars in
15 disasters in the U.S. and around the globe.

16 "Climate change is proven by
17 science, and its negative impacts can be
18 seen and felt everywhere, especially here in
19 Delaware, the lowest lying state in the
20 country. Sea levels, as measured in Lewes,
21 Delaware, have risen more than 13 inches
22 since 1919. This has contributed to an
23 increase of 300 percent in flooding since
24 the 1950s. Without significant reduction in



1 greenhouse gas emissions, Delaware's tidal
2 water will rise by an additional five feet
3 permanently inundating 17,000 homes and 500
4 miles of roadway.

5 "The proposed replacement of the
6 Clean Power Plan with the ACE Rule will
7 remove a strong incentive for states and the
8 federal government to work together to
9 protect and improve air quality.

10 "EPA is required under the Clean
11 Air Act to take action to regulate
12 greenhouse gases. The Act divides that
13 responsibility between EPA and states. The
14 EPA establishes a federal framework for
15 regulation and identifies the emission
16 reductions that are needed. The states
17 determine the best way to achieve those
18 targets on the cost-effective emission
19 reduction opportunities in their states.
20 However, EPA's own analysis shows that the
21 proposed approach has the potential to
22 increase carbon dioxide and other pollutant
23 emissions, further reducing air quality,
24 causing and exacerbating illness and even



1 contributing to deaths. A statutory
2 requirement for regulatory framework to
3 reduce emissions cannot be satisfied with
4 one that has the potential to increase
5 emissions.

6 "EPA's proposed rule also fails
7 to identify the Best System of Emission
8 Reduction (BSER) in that it only lists
9 candidate technologies and does not identify
10 the emission reductions that could be
11 achieved by deploying the best system.
12 EPA's regulations must be more than an
13 "informational pamphlet" for states.

14 "Furthermore, the proposed
15 changes EPA has signaled for weakening the
16 New Source Review (NSR) regulations are
17 problematic for Delaware as a downwind state
18 of dirty coal-fired power plants. By
19 proposing that modified sources would not
20 trigger NSR unless the modifications can
21 cause both an increase in annual emissions
22 and an increase in hourly emission rates,
23 EPA would allow a unit to increase its
24 annual capacity, which has the potential to



1 increase their actual emissions without
2 being subject to New Source Review and not
3 have to control their emissions resulting
4 from implementing the heat rate improvements
5 in the ACE Rule required by BSER. These
6 proposed NSR regulations would have the
7 potential to not only exacerbate the risk of
8 increased emissions, and at the very least
9 overwhelm any potential emission rate
10 improvements given the long-lived nature of
11 greenhouse gases.

12 "The citizens and economy of
13 Delaware will be negatively affected if the
14 Affordable Clean Energy Rule is adopted.
15 Rising average temperatures and prolonged
16 heat waves poses critical health risks to
17 Delaware farmers, outdoor workers, children,
18 and the elderly. Changing climate
19 conditions will increase local levels of
20 particulate matter and ground-level ozone,
21 which increase the risk our residents face
22 of premature death and chronic heart and
23 lung problems, and many of these pollutants
24 are transported from states to the west of



1 us. These threats will only increase if we
2 do not take a stance as a nation and a
3 global community to reduce the human
4 emissions of greenhouse gases that feed
5 rapid climate change.

6 "Delaware has become a national
7 leader in taking a stance and going to great
8 lengths to reduce greenhouse gas emissions.
9 Delaware joined the Regional Greenhouse Gas
10 Initiative, better known as RGGI, in 2005
11 and has worked with our regional partners
12 since then to reduce CO2 emissions from
13 power plants in the region. Emissions
14 across the RGGI region have gone down by
15 over 50 percent since 2005 compared to an
16 average national reduction of just
17 24 percent over a similar period.

18 "Given the demonstrated
19 effectiveness of RGGI's greenhouse gas
20 emission reduction measures, the
21 implementation of the RGGI program
22 requirements is interpreted by Delaware to
23 meet the compliance requirement of the ACE
24 Rule. We seek EPA's confirmation on this



1 point; however, Delaware, and a handful of
2 other willing states, cannot and should not
3 be expected to be the only states to tackle
4 carbon pollution.

5 "The rest of the country must
6 follow Delaware's lead and be a part of the
7 solution, rather than making the problem
8 worse. The Clean Power Plan is a very good
9 plan in response to the risk climate change
10 impacts imposes for our country and
11 fulfill's EPA's legal obligation to regulate
12 emissions of carbon dioxide. The Clean
13 Power Plan maintains the longstanding
14 practice of sharing regulatory
15 responsibility between EPA and the states.
16 The Clean Power Plan builds on experiences
17 of the states that have already begun
18 enacting clean energy policies, Delaware,
19 again, being chief among them.

20 "I am convinced that the nation
21 needs viable environmental action, such as
22 the Clean Power Plan. We must reduce
23 greenhouse gases to address climate change
24 and the perils it poses to all of us here in



1 the United States and around the world.
2 Delaware stands ready to implement the Clean
3 Power Plan as originally proposed, and I
4 strongly encourage the EPA to reconsider the
5 proposal to replace it with the Affordable
6 Clean Energy Rule.

7 "Thank you, John C. Carney,
8 Governor, State of Delaware."

9 With that, I thank you all for
10 coming. I am going to turn it over to
11 Valerie Gray, who is going to walk us
12 through the day.

13 MS. GRAY: We're going to call
14 the names of people who have registered.
15 We'll do on-line first. If there is anyone
16 that's registered in the back, they will be
17 called next. And after that, if there is
18 anyone else that would like to speak, just
19 come up to the podium and speak.

20 Kevin Stewart of the American
21 Lung Association is our first speaker.

22 MR. STEWART: Good afternoon.
23 I'm Kevin Stewart. I serve as Director of
24 Environmental Health for Advocacy and Public



1 Policy with the American Lung Association.
2 And I'm representing millions of Americans
3 who are at risk from air pollution, but
4 especially today, the more than 100,000
5 Delawareans who suffer with chronic lung
6 disease. We appreciate the opportunity you
7 have provided for to us present comments,
8 especially in light of EPA's decision to
9 hold only one public hearing on such an
10 important matter.

11 I was here in January to address
12 this very issue, and I'm here to amplify my
13 statement at that time in defense of the
14 Clean Power Plan.

15 In contrast, the proposed rule
16 before us today is in direct opposition to
17 protecting and improving public health. It
18 is in direct opposition to fighting climate
19 change. It is in direct opposition to clean
20 up the air we breathe. It is in direct
21 opposition to reducing the burden of lung
22 disease. Therefore, the American Lung
23 Association strongly opposes the proposed
24 rule.



1 The American Lung Association
2 has championed past federal efforts to set
3 strong air quality emission standards and
4 yet the proposed rule refuses to respect the
5 scientific public health and medical
6 consensus. Ignoring these facts does not
7 make them go away:

8 Carbon pollution poses a current
9 and growing threat to the health and safety
10 of Americans now and in future generations.
11 And many communities of color and low income
12 face higher risks;

13 Ozone pollution is likely to be
14 worse here in Delaware because of climate
15 change than it would otherwise be;

16 And precipitation events and
17 sea-level rise mean that Delaware will
18 experience more coastal and inland flooding.

19 The proposal throws out the
20 Clean Power Plan -- current law that should
21 be defended -- a regulation with a flexible
22 and effective menu of options that begins to
23 get carbon emissions under control, and
24 achieve other important pollution reductions



1 besides.

2 But what are we being offered
3 instead?

4 No concrete requirements to
5 reduce carbon emissions. States could set
6 no goals at all. Power plants could be
7 exempt from being required to make any
8 changes.

9 A permanently weakened New
10 Source Review process based on the illegal
11 and deadly premise that efficiency -- and
12 not also total emissions -- is the only
13 thing that matters.

14 The proposed rule is not only
15 weak and toothless. By design, it gives
16 power plants a license to pollute. It is
17 actively harmful.

18 EPA's own analysis shows that
19 the proposal will cause illness and
20 premature death when compared with existing
21 law. By 2030, every year:

22 Up to 1,400 more premature
23 deaths; up to 120,000 more asthma attacks;
24 hundreds of thousands more days of



1 restricted activity or missed school and
2 work.

3 Even more, an analysis from
4 Harvard, Boston and Syracuse Universities
5 found that a policy similar to the one being
6 proposed would actually result in more
7 premature deaths than doing nothing at all.

8 We testified in July in support
9 of Delaware's Section 126 petitions to
10 better control upwind power plants, and yet
11 the proposed rule goes in the opposite
12 direction and clearly threatens to make the
13 air coming into Delaware dirtier than it
14 would already be.

15 Whether it's the millions
16 affected by wildfire smoke in the West or
17 the millions dealing with the aftermath of
18 catastrophic storms, climate change has
19 impacts on the health and lives of Americans
20 now. It is not an abstract threat looming
21 decades away.

22 Hurricanes Harvey, Irma, Maria
23 last year, Florence last month, and what's
24 left of Michael -- arriving here in a few



1 hours. So many have had the word "historic"
2 attached to them. Why should not be a
3 mystery. Evidence is clear that conditions
4 due to climate change have worsened their
5 severity.

6 Remember Superstorm Sandy?
7 Delaware avoided being hit like New Jersey
8 was, but how long will our luck hold out?

9 My point is that the collective
10 decisions made around carbon emissions are
11 having lethal and worsening effects.
12 Delaware poses just one example of our
13 vulnerability. The United States should be
14 protecting our nation's health and safety in
15 the long-term rather than shortsightedly
16 pandering to the narrow interests of a few.
17 The United States should be leading the
18 world in confronting this problem rather
19 than burying its head in the sand.

20 MS. GRAY: Our next speaker is
21 Beth Chajes because Coralie Pryde is not
22 here.

23 Beth.

24 MS. CHAJES: Good afternoon. My



1 name is Beth Chajes, and I'm the Delaware
2 State Coordinator for Citizens' Climate
3 Lobby.

4 CCL is an international
5 nonpartisan, nonprofit organization
6 dedicated to creating the political will for
7 a livable world. We have about 500 chapters
8 worldwide, including three in Delaware, and
9 well over 100,000 members advocating for
10 government action on climate change.

11 Citizens' Climate Lobby
12 recognizes that to limit damage to our
13 ecosystem, our health, our economy, and our
14 quality of life, we must reduce our
15 emissions of carbon dioxide and other
16 greenhouse gases as quickly as possible.
17 The speed at which this must occur was
18 underscored by the IPCC report released on
19 October 8th, which paints a dire picture of
20 our future unless immediate action is
21 undertaken to transform the global economy
22 on an unprecedented scale.

23 Interestingly, on the very same
24 day, a Nobel Prize in economics was awarded



1 to William D. Nordhaus, an economist at Yale
2 University, who has spent the past 40 years
3 championing one of the most powerful
4 policies at our disposal to achieve the
5 changes we need: a carbon tax.

6 Dr. Nordhaus has shown that such
7 a tax -- which essentially corrects a market
8 failure -- would be the most effective and
9 efficient way to reduce greenhouse gas
10 emissions at the necessary scale, and that
11 it can be done in a way that benefits rather
12 than harms our economy.

13 The juxtaposition of these two
14 events is now shining a brilliant beacon of
15 light to show us the way forward.

16 For the past eight years, CCL
17 has advocated for a carbon-pricing mechanism
18 known as carbon-fee-and-dividend. This
19 revenue-neutral approach levies a carbon fee
20 at the fuel source and returns the proceeds
21 to American households on an equal basis,
22 thereby, shielding low- and middle-income
23 families from higher prices during the
24 transition to clean energy.



1 By appealing directly to our
2 members of Congress, we have seen genuine
3 progress in the willingness of our elected
4 representatives on both sides of the aisle
5 to discuss the problem and its solutions in
6 a meaningful way. Climate, we have found,
7 is beginning to be viewed as a bridge issue,
8 rather than a wedge issue.

9 However, the legislative
10 process -- often described as sausage
11 making -- is a slow process. As the IPCC
12 report makes clear, we have no time to lose.
13 We certainly cannot afford to move backward,
14 which, by the EPA's own admission, is what
15 the so-called "Affordable Clean Energy" rule
16 would do in comparison to the Clean Power
17 Plan.

18 The EPA's own analysis states:
19 "As compared to the standards of performance
20 that it replaces ... implementing the
21 proposed rule is expected to increase
22 emissions of carbon dioxide and increase the
23 level of emissions of certain pollutants in
24 the atmosphere that adversely affect human



1 health."

2 These other pollutants include
3 fine particles, sulfur dioxide, nitrogen
4 dioxide, and mercury.

5 Furthermore, the EPA itself
6 concludes that significant human health
7 co-benefits that would have occurred under
8 the Clean Power Plan will be lost under the
9 new rule.

10 The Clean Power Plan was issued
11 under the EPA's authority to regulate
12 greenhouse gas emissions via the Clean Air
13 Act, which the Supreme Court has affirmed.
14 Until such time as regulations like the
15 Clean Power Plan are rendered moot by an
16 effective carbon pricing policy, the members
17 of Delaware's Citizens' Climate Lobby
18 support the CPP's implementation and reject
19 the EPA's current attempt to disarm it.

20 In closing, on behalf of
21 Delaware CCL, I would like to express our
22 sincere gratitude to Secretary Garvin and
23 the Division of Climate, Coastal, and Energy
24 for holding this listening session and for



1 speaking out on behalf of Delaware
2 residents whose welfare is endangered by the
3 proposed ACE rule. Thank you.

4 MS. GRAY: Our next speaker is
5 Sherri Evans-Stanton with the Delaware
6 Chapter of the Sierra Club.

7 MS. EVANS-STANTON: My name is
8 Sherri Evans-Stanton, and I'm the Delaware
9 Chapter Director of the Delaware Sierra
10 Club.

11 The Sierra Club strongly opposes
12 the proposal to replace the Clean Power
13 Plan. I would like to thank Secretary
14 Garvin and the State of Delaware for
15 including Delaware as one of 13 states in a
16 bipartisan effort urging EPA not to repeal
17 the Clean Power Plan.

18 The Administration's Dirty Power
19 Plan has terrible consequences for Delaware
20 and our country. It will significantly
21 impact the air we breathe, affect our health
22 and exacerbate climate change. In fact,
23 because of our lower elevation, as the
24 Secretary pointed out, Delaware will likely



1 be the first state to lose significant land
2 due to sea-level rise. Not a good First
3 State thing to do.

4 The Dirty Power Plan is
5 intentionally vague, with no concrete
6 emission reduction goals or standards that
7 would actually require power plants to cut
8 down on dangerous pollution. This attack on
9 critical safeguards comes at a time when our
10 country is facing huge climate impacts from
11 wildfires, hurricanes, and sea-level rise.

12 EPA is legally required under
13 the Clean Air Act to limit carbon pollution
14 from power plants, but they can't do it
15 alone. The Clean Power Plan continues the
16 longstanding division of responsibility
17 between EPA and the states by establishing
18 sensible, effective requirements under a
19 consistent framework to reduce emissions.
20 Delaware's environmental and energy agencies
21 play an important role in protecting our
22 citizen's health and environment, and they
23 do this in collaboration with federal
24 agencies.



1 The Clean Power Plan was the
2 result of the most robust public
3 participation process EPA has ever
4 undertaken. Numerous polls continue to show
5 that Americans overwhelmingly support real
6 action to reduce carbon pollution and
7 confront the climate crisis head-on.

8 The Dirty Power Plan ignores the
9 fact that the clean energy economy is
10 booming. States and cities all over the
11 country have set a goal of moving towards
12 "100 percent clean energy" during the
13 lifetime of the Clean Power Plan. But
14 without it, the country will lack a
15 nationwide strategy to guide this
16 transition, which is particularly important
17 for states whose policies continue to
18 promote the burning of fossil fuels. And it
19 also significantly impacts downwind states
20 like Delaware, who exceed federal ozone
21 limits due, in part, to upwind power plant
22 pollution.

23 Furthermore, the Dirty Power
24 Plan reflects a betrayal of communities of



1 color and low-income communities that are
2 disproportionately affected by air pollution
3 and climate change. The Clean Power Plan
4 includes a number of steps towards
5 addressing environmental justice issues.
6 The Dirty Power Plan goes in the opposite
7 direction by stripping out all environmental
8 justice analyses and requirements.

9 Coal is simply no longer
10 competitive in the clean energy economy;
11 therefore, efforts to reduce regulatory
12 authority on the coal industry will fail.
13 The rise of renewable energy, and the
14 promise of good, clean jobs will not slow
15 down. Utilities continue to retire coal
16 plants -- almost one in every 16 days. And
17 half of the nation's coal plants, which is
18 270, are slated to retire, with more on the
19 way. This progress is largely driven by
20 grassroots advocacy in communities fed up
21 with fossil fuel pollution, and by market
22 forces that favor renewable energy, which is
23 being installed at record rates.

24 Taken as a whole, the Clean



1 Power Plan would have provided up to
2 \$45 billion in climate and public health
3 benefits per year. The program would have
4 afforded strong improvements in public
5 health, sharp reductions in
6 climate-disrupting carbon pollution and
7 other harmful emissions, and a major boost
8 to affordable clean energy industries such
9 as solar, wind, and energy efficiency. By
10 attempting to roll back the Clean Power
11 Plan, the Administration is putting the
12 safety of our communities at risk and making
13 it clear that it has no intention of
14 safeguarding people from the immediate
15 dangers of climate change.

16 DNREC and the State of Delaware
17 must fight to make sure that EPA does the
18 right thing: EPA must recommit not just to
19 implement the Clean Power Plan, but to
20 strengthen it. Delaware's and our nation's
21 health and welfare and that of future
22 generations demands nothing less. Thank
23 you.

24 MS. GRAY: Our next speaker will



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1 be Scott Murphy Eisenhart.

2 MR. EISENHART: Hi. I'm not
3 here on behalf of UD. This is just the only
4 clean shirt I found this morning. I just
5 wanted to clarify that. I'm just here on my
6 own.

7 Hi, everybody. Thank you for
8 the opportunity to speak.

9 I'd like to applaud DNREC
10 officials as well as the State of Delaware
11 for expressing their opposition to the
12 replacement of the Clean Power Plan.

13 I do not believe that affordable
14 clean energy replacement will do a better
15 job at curbing fossil fuel greenhouse gas
16 emissions than the current Clean Power Plan.

17 I also would like to applaud
18 DNREC for hosting this public comment
19 session, especially in light of the fact
20 that the EPA has only hosted one such
21 session of its own for the entire country.

22 DNREC, please continue to do all
23 the excellent and noble work you do every
24 day. Thank you very much.



1 MS. GRAY: Thank you. Our next
2 speaker is Jill Gaumer, if I said that
3 correctly.

4 MS. GAUMER: Hi, my name is Jill
5 Gaumer. And thank you very much for your
6 time and for hosting this. I'm a licensed
7 clinical social worker and a longtime
8 Delaware resident. I'm not good at public
9 speaking. In fact, I've had indigestion
10 just thinking about having to come in front
11 of you all. But I have overcome that fear
12 because of the urgency of the matter in
13 front of us. I speak as an individual and I
14 hope for my children and my children's
15 children.

16 Certainly there are many points
17 here to discuss, and you all have covered
18 them very nicely. And I want to be one more
19 voice to speak strongly to maintaining of
20 Obama-era regulations.

21 The facts are clear and the
22 dangers are real. Just riding in here, I'm
23 looking at the thermometer on my car, and
24 it's 80 degrees in the middle of October,



1 and we had the third strongest hurricane in
2 the history of the country.

3 So I would like to use my time
4 by quoting the New York Times editorial
5 piece that was on October the 6th.

6 I'll restate it in part, and
7 I've edited slightly for the interest of
8 time. "The United Nations Intergovernmental
9 Panel on Climate Change says the world must
10 utterly transform its energy systems in the
11 next decade, a risk ecological and social
12 disasters.

13 "The panel created in 1988
14 synthesizes the findings of leading climate
15 scientists, an undertaking for which it has
16 received the 2007 Nobel Peace Prize. The
17 panel is not in the habit of lecturing
18 governments. But its latest report, issued
19 near Seoul this Monday, is very different.
20 One United Nations official described it as,
21 "a deafening, piercing, smoke alarm going
22 off in the kitchen" -- an alarm aimed
23 directly at world leaders. 'Frankly, we've
24 delivered a message to the governments,"



1 said Jim Skea, a co-chairman of the panel
2 and a professor of the Imperial College of
3 London.' 'It's now their responsibility ...
4 to decide whether they can act on it.'"

5 Trump, "having already announced
6 that he would withdraw the United States
7 from the 2015 Paris agreement on climate
8 change and having rolled back a suite of
9 Obama-era efforts to reduce greenhouse gas
10 emissions -- a struggle few believe can be
11 won without the enthusiastic participation
12 of the United States.

13 "The report, written by 91
14 scientists from 40 countries, came about at
15 the request of several small island nations
16 that took part in the Paris talks, where 195
17 countries pledged their best effort to limit
18 increases in global warming to 3.6 degrees
19 above preindustrial levels."

20 I think of Delaware as one of
21 those small island nations that will be
22 overcome by the rising tides.

23 "Fearing that their countries
24 might be lost to rising seas, they asked the



1 intergovernmental panel for further study of
2 a lower threshold, 2.7 degrees Fahrenheit.

3 The panel's report concluded that the
4 stricter threshold should become the new
5 target. The alternative is catastrophe --
6 mass die-offs of coral reefs, widespread
7 drought, famine and wildfires, and potential
8 conflict over land, food and fresh water.

9 "But how to achieve that lower
10 threshold? Global emissions continue to
11 rise, albeit slowly. The panel said a
12 mammoth effort is needed, beginning now and
13 carrying through the century, to decarbonize
14 global energy systems. The next ten years
15 are absolutely critical: emissions will
16 have to be on a sharp downward path by 2030
17 for any hope of success; greenhouse gases
18 must be cut nearly in half from 2010 levels;
19 renewable energy sources must increase from
20 about 20 percent of the electricity mix
21 today to as much as 67 percent; the use of
22 coal would need to be phased out, vanishing
23 almost entirely by midcentury."

24 Thank you for your time.



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1 SECRETARY GARVIN: Thank you.

2 MS. GRAY: Our next speaker is
3 Coralie Pryde.

4 MS. PRYDE: I am speaking as an
5 individual today.

6 The Obama Administration's Clean
7 Power Plan (CPP) represented a carefully
8 researched, scientifically-valid approach to
9 decrease emissions from large electrical
10 generation plants. In contrast, the current
11 Administration's proposed Affordable Clean
12 Energy (ACE) plan ignores the
13 well-established science behind our steadily
14 growing understanding of the effects of
15 greenhouse gases on climate change. It also
16 ignores the equally well-established science
17 that has made clear the vast costs to human
18 health and the natural environment of
19 burning coal and also storing coal ash in
20 areas where it can contaminate surrounding
21 land and water.

22 An EPA "Fact Sheet" comparing
23 the CCP and ACE makes several dubious claims
24 about the ACE, including:



1 That the CCP "inserts EPA into
2 energy policy." Well, actually EPA
3 permitting programs were required to
4 consider greenhouse gas emissions starting
5 in 2011 under the Clean Air Act.

6 Another claim, that the ACE will
7 "continue" downward pressure on CO2 leading
8 reductions similar to those estimated for
9 the CPP. Outside analysts suggest that the
10 reductions would be far less. And even the
11 EPA's own analysis of the plan admits that
12 it might actually raise CO2 emissions.

13 Another claim, that the ACE lets
14 states set their own standards that meet
15 federal guidelines consistent with current
16 law. Actually, it sounds like states are
17 pretty free to opt out of doing anything at
18 all about greenhouse gases.

19 And finally claims that the
20 targeted updates to New Source Review are
21 needed so coal plants can improve efficiency
22 and modernize. But outside analysts
23 concluded this presents a loophole that
24 could drastically weaken the Clean Air Act's



1 standards so new coal plants could operate
2 without installing modern pollution control
3 equipment.

4 According to the EPA's own
5 analysis: "... implementing the proposed
6 rule ... will increase the level of certain
7 pollutants in the atmosphere that adversely
8 affect human health." These latter
9 pollutants include the criteria pollutants
10 PM2.5, SO2, NOx, as well as mercury, a
11 well-known neurotoxin.

12 The CPP would have reduced SO2 by
13 24 percent, NOx by 22 percent and mercury by
14 16 to 17 percent. These reductions due to
15 the CPP have been predicted to prevent
16 between 1500 and 3600 premature deaths and
17 90,000 childhood asthma attacks annually
18 compared to no action.

19 In contrast, under ACE,
20 pollutant levels may actually increase and
21 institution of the plan could lead to as
22 many as 1400 additional premature deaths
23 each year.

24 By attempting to repeal the



1 Clean Power Plan and replace it with a
2 dishonestly named Affordable Clean Energy
3 Plan, EPA is abandoning its stated mission
4 of protecting human health and the
5 environment. In fact, it appears willing to
6 prematurely end thousands of lives and
7 sentence tens of thousands of children to
8 lives made difficult through asthma and
9 heart problems from breathing polluted air.

10 This proposal is completely
11 unacceptable. It fails to meet the most
12 basic requirements set out by the Clean Air
13 Act. Compared to doing nothing, it may
14 actually increase our susceptibility to sea-
15 level rise and the many other problems
16 associated with global warming. In
17 Delaware, it fails to protect our residents
18 between New Castle County and Wilmington
19 from toxic pollution that is coming from
20 coal-burning plants in other states.

21 This incredibly bad proposal
22 must be stopped. DNREC needs to take any
23 and all steps necessary to protect us from
24 the dangers it represents. Thank you.



1 MS. GRAY: The next speaker is
2 Elaine Field.

3 MS. FIELD: Hello. My name is
4 Elaine Field, and I'm a resident of New
5 Castle County. And I oppose the Affordable
6 Clean Energy Rule. And I support the Clean
7 Power Plan. Thank you.

8 MS. GRAY: Our next speaker is
9 Judy Winters.

10 MS. WINTERS: Hi. I'm Judy
11 Winters. I belong to a group called EQAT,
12 the Quaker Action Team. And some of my
13 comments will be based on what I've learned
14 over the eight years I have been a member of
15 that group.

16 First of all, I want to say
17 thank you. I definitely support Delaware's
18 official comments to the EPA. Of course I
19 do. Common sense: Something needed at this
20 point in time. We have to stand up to the
21 bullies.

22 But I think we ought to also go
23 and look at another proposal from that
24 source, which says it largely relies on the



1 states to make our own guidelines to make
2 uniform standards. And I think we ought to
3 take that a little bit seriously, and that's
4 why I'm here today, because I feel Delaware
5 can do more than they're doing. Of course
6 we all can do more than we're doing. But I
7 want to go back to where this important
8 one-time only EPA meeting is being held, in
9 Chicago. Chicago, home of Exelon
10 Corporation, one of the biggest power-
11 generating delivery systems in the country.
12 Exelon owns Delmarva. Exelon owns PECO.
13 It's PECO that I know the most about, and
14 that's what I'm going to share a little bit
15 with you today and why I have hope that
16 Delaware will put a little more clout into
17 their state's rights and what the state can
18 do.

19 So eight years ago, I joined the
20 group out of Philadelphia, and we took on
21 one of the biggest banks in the country, PNC
22 Bank, and we said PNC Bank, behind the
23 scenes you're financing mountain top removal
24 coal mining. And even though I'm not a



1 Quaker, I was standing with the Quaker group
2 that said, You used to be a Quaker bank. We
3 don't think these are good Quaker standards
4 to go ahead and destroy mountains and we're
5 going to start taking our money out of your
6 bank. So over the course of five years, we
7 not only did that, we did a lot of things,
8 and guess what. We won. We won. A little
9 group says to a big bank we have campaigned,
10 we have a plan, and we want you to stop this
11 bad environmental practice.

12 We're taking on a bigger group
13 right now, and it's PECO, in Philadelphia,
14 and the Philadelphia region, and on and on,
15 and we're saying to PECO, you know what, you
16 could do a lot better than you're doing.
17 You could power local green jobs. You're
18 taking the profits that you make here in the
19 Philadelphia region at a million dollars a
20 day and you send them to Exelon.

21 Exelon, I think might be behind
22 some of the reason that we're meeting in
23 Chicago, by the way, but I don't know that.
24 I'm not in that circle of planning.



1 But I would say to you that we
2 are looking at PECO and we are saying, you
3 know, you should be powering your energy
4 sources from within the region that we live.
5 You say you're for the people, but you're
6 getting all of your fossil fuels from other
7 places. You're not generating jobs and
8 you're not generating clean energy in this
9 region, and you could do that instead of
10 sending the million dollars a day, a day, to
11 Exelon.

12 I feel that our state, that we
13 could power up, too. We could say to
14 Delmarva, because it's our right to say to
15 Delmarva, you can do a better job. You're
16 getting less than 3 percent of your energy
17 from renewable sources. You are dragging
18 your collective feet and you are not doing
19 it. The State of Delaware can stand behind
20 a resolution such as that. We can announce
21 to the EPA at the Chicago meeting that,
22 yeah, we're going along with some of your
23 proposal, and that is the proposal that is
24 largely relying on states to make their own



1 guidelines. We're going to announce -- in a
2 very poignant way, we're going to follow up
3 on that, and we're going to make this
4 announcement in a way that has some clout to
5 it. We can start to act on this as a state
6 and make the agencies that are in power
7 right now more responsive to the real needs.
8 Thank you.

9 MS. GRAY: Thank you.

10 Would anyone else feel compelled
11 to speak at this time and would like to come
12 forward?

13 SECRETARY GARVIN: We are going
14 to stay here. So if you have friends and
15 family and others who like to comment, send
16 them on down. We'll be here for the next
17 couple of hours.

18 MS. GRAY: Okay. Well, thank
19 you all for coming.

20 (Recess taken.)

21 MS. GRAY: I am reading
22 Senator Carper's statement into the record
23 on his behalf.

24 "I want to thank Governor Carney



1 and DNREC Secretary Shawn Garvin for their
2 leadership on climate change and other
3 environmental issues critical for the people
4 of Delaware. I also want to thank everyone
5 who came today to make their voices heard on
6 this important issue.

7 "I'm here to speak out against
8 the Trump EPA's Dirty Power Plan, a proposal
9 intended to replace Obama's Clean Power
10 Plan. This proposal fails to address
11 climate change and will put all Americans'
12 health at risk.

13 "For decades under Republican
14 and Democratic leadership, our nation's
15 premier scientific agencies, such as NASA
16 and NOAA, have joined with the global
17 scientific community in researching climate
18 change and its global effects. From this
19 research, we learn more every year about how
20 damaging climate change is -- and will be --
21 to our environment and our health.

22 "Here is what NASA and NOAA and
23 the global scientific community are telling
24 us: The science behind climate change is



1 settled. Climate change is real. It's
2 happening. Human activities -- such as
3 burning fossil fuels -- are greatly
4 contributing to the problem.

5 "NASA and NOAA found that
6 climate change is leading to rising global
7 temperatures, rising sea levels and more
8 intense and frequent weather events. NOAA
9 tells us that extreme weather events costing
10 one billion dollars or more have doubled in
11 frequency over the past decade -- with
12 \$425 billion in losses occurring over the
13 last five years. That's 425 billion with a
14 'B.'

15 "It's hard to find a part of the
16 country that isn't being affected by extreme
17 weather events fueled by climate change. In
18 the past two years alone, two 1,000-year
19 floods have devastated Ellicott City
20 Maryland, just 90 miles down the road.
21 Forest fires, fueled by extreme heat and
22 drought, have ravaged states like Montana,
23 California and Oregon in the past year.

24 "Since we started keeping



1 records, only 49 Category 5 hurricanes have
2 threatened the United States. Three of the
3 49 Category 5 hurricanes occurred in the
4 last year. And the hurricanes that aren't
5 Category 5 are having devastating effects.
6 Today, the people of Florida, Georgia, North
7 Carolina and South Carolina are struggling
8 to recover from an historic hurricane that
9 has devastated their communities.

10 "Beyond direct health impacts,
11 scientists and medical professionals are
12 discovering other ways climate change
13 threatens human health. These studies have
14 linked climate change to increase
15 ground-level ozone and allergens in the air,
16 deadly high temperatures, and more pests in
17 our food and water -- all of which are
18 having negative impact on human health.

19 "Climate change is costing
20 Americans in the form of lost income, lost
21 livelihood, and sadly, in some cases, lost
22 lives.

23 "Just this week, the UN's
24 intergovernmental panel on climate change



1 issued a report based on 6,000 scientific
2 studies written by 91 scientists from 40
3 countries. The report concludes that if the
4 global community does not enact 'rapid and
5 far-reaching' carbon reduction policies in
6 the next decade, we could face irreversible
7 damage to our climate as soon as 2040.

8 "This reality of climate change
9 is scary, especially for Delaware, the
10 lowest lying state in the nation. For me,
11 climate change is not a science lecture, it
12 affects my constituents daily. This issue
13 is personal.

14 "As I see it, we have two
15 options: we fight by addressing and
16 adapting to climate change; or we stick our
17 heads in the sand and let fossil fuel
18 emissions destroy our world for generations
19 to come.

20 "I say we fight. That's why I
21 have worked my entire Senate career to find
22 ways to move us away from fossil fuels,
23 reduce carbon pollution, and help
24 communities adapt to a new climate future.



1 It all started in 2002 when I introduced one
2 of the first bills in Congress to cap carbon
3 emissions from coal plants, and my fight
4 continues today in passing some of the most
5 robust resiliency measures to date to
6 protect coastal communities and our nation's
7 drinking water system from extreme weather
8 and rising seas.

9 "Fortunately, I've not been
10 alone in fighting for a better climate
11 future. Our nation is a much better place
12 than we were just a decade ago when it comes
13 to reducing carbon emissions.

14 "The Trump Administration would
15 have you believe that it was just dumb luck
16 or natural forces that got us to where we
17 are today. The reality is, it was in large
18 part due to investments made by the Obama
19 Administration, Congress, and states like
20 Delaware and California.

21 "It is also due to smart
22 regulations that are good for the economy
23 and good for our environment, such as the
24 Clean Power Plan.



1 "As a result of these smart
2 clean energy policies, our country rebounded
3 from one of its greatest economic downturns
4 in history, lowered energy costs at the
5 meter and the pump for consumers, and
6 implemented clean air protections that
7 protect public health and our climate, all
8 while adding 16 million new jobs, further
9 proving we do not have to choose between
10 clean air, a better climate and a strong
11 economy.

12 "With the Clean Power Plan, EPA
13 mirrored smart policies already happening at
14 the state level by giving utilities the
15 ability to use a flexible, market-based
16 system to reduce carbon emissions. The
17 Clean Power Plan put our nation's
18 fossil-fuel power plants on a 15-year glide
19 path to reduce carbon emissions by a third
20 from 2005 levels. It provided significant
21 incentives for energy efficiency, which
22 would result in lower electric bills for
23 Americans.

24 "Instead of building on Obama's



1 forward-looking environmental standards,
2 this Administration has decided to turn a
3 blind eye to the climate science and has
4 taken pride in tearing protections apart.
5 This Administration has not only doubled
6 down on fossil fuels -- even when it doesn't
7 make sense economically -- but also
8 foolishly kept information from communities
9 that would allow them to build better and
10 smarter and be better prepared for climate
11 events.

12 "The Trump Administration has
13 shown that it is so dead set on rolling back
14 O'bama's climate regulations, it is willing
15 to risk American lives in the short-term and
16 long-term. That's abundantly clear in
17 President Trump's proposal.

18 "The Administration has gone so
19 far to call its proposal the 'Affordable
20 Clean Energy' plan. No matter what EPA
21 calls this proposal, by the agency's own
22 account, it doesn't achieve affordable
23 energy or clean energy, and it definitely
24 doesn't address climate change.



1 "For example, EPA estimates the
2 Clean Power Plan would create \$54 billion
3 per year in public health and climate
4 benefits. This would prevent 3,600
5 premature deaths each year through reduced
6 exposure to particle pollution and ozone.

7 "Compare that to the Dirty Power
8 Plan, which by EPA's own analysis shows will
9 increase smog, soot, mercury and carbon
10 pollution and up to 1,400 lives will be lost
11 each year. Let me repeat. 1,400 lives lost
12 annually. That's enough for me to say no,
13 thank you, and to give the Dirty Power Plan
14 a failing grade of 'F.'

15 "The Dirty Power Plan does not
16 help consumers save money on energy costs,
17 does not provide businesses with certainty,
18 and instead, will likely cede clean energy
19 jobs to places like China.

20 "To recap - when you compare,
21 the Dirty Power Plan fails at providing
22 cleaner air, saving lives, job creation,
23 energy saving, and a safer climate. That's
24 why in my book the Dirty Power Plan gets a



1 failing grade.

2 "But let's be honest, the EPA's
3 Dirty Power Plan proposal isn't a climate
4 change replacement, it's a retreat. It is a
5 retreat from EPA's most basic
6 responsibilities to ensure breathable air,
7 usher in economic progress, and tackle the
8 greatest environmental crisis we face on
9 this planet.

10 "EPA knows this is a retreat
11 from its responsibilities, which is why I
12 think the agency is rushing this proposal
13 through the regulatory process. The Clean
14 Power Plan reflected an unprecedented
15 two-year outreach and engagement process
16 with states and stakeholders, and was only
17 finalized after the agency held four public
18 hearings and considered 4.3 million comments
19 during a 167-day public comment period.
20 Compare that with the Dirty Power Plan,
21 which EPA is holding only one hearing and
22 keeping the comment period open for only 60
23 days. One hearing.

24 "In closing, I believe one of



1 the main missions of the federal government,
2 chiefly the EPA, is to protect the American
3 people from environmental risks like climate
4 change. Repealing the Clean Power Plan and
5 replacing it with a proposal as ill-
6 conceived as the Dirty Power Plan will have
7 serious consequences for the health of the
8 public. The American people deserve better
9 than the Dirty Power Plan, plain and simple.
10 My colleagues and I are going to do
11 everything in our power to make sure that
12 happens. And I want to thank you for your
13 effort in this fight, too."

14 MS. BRENNAN: Amy Brennan. And
15 my comments are that I object to the way
16 that this process is being run by the EPA.
17 I object to this. I think this proposed
18 plan shows reckless disregard for the
19 well-being of not just Delawareans, but
20 people on the East Coast and the entire
21 country. I think it is counter to the will
22 of the majority of Americans, and I object
23 to it.

24 (Concluded at 8:00 p.m.)



1 State of Delaware)
2 New Castle County)

3
4 CERTIFICATE OF REPORTER

5 I, Lucinda M. Reeder, Registered
6 Diplomate Reporter, Certified Real-time
7 Reporter and Notary Public, do hereby
8 certify that the foregoing record is a true
and accurate transcript of my stenographic
notes taken on October 11, 2018 in the
above-captioned matter.

9 IN WITNESS WHEREOF, I have hereunto
10 set my hand and seal this 18th day of
October 2018 at Wilmington, Delaware.

11 
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13 Lucinda M. Reeder, RDR, CRR
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